IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15588 of 2004

Between:

Surineni Chengaiah Yadav, S/o Venkataiah,
R/o Botumedipalle Village, Pullampet Mandal, Kadapa District

..... PETITIONER

AND

1 The District Collector, Kadapa
2 The Mandal Revenue Officer, Pullampet Mandal, Kadapa District
3 The Asst.Engineer, Panchayatraj Department,
Railway Kodur, Kadapa District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents herein in laying rasta through Survey No.257/1, 258/2, 271, 272, 274/2, 286/3 and 289/9 of Gadela Village, Obulavari Palli Mandal, Kadapa District any denying proprietory rights of the Petitioner without recourse to land acquisition proceedings or in accordance with law is illegal, arbitrary and unconstitutinal being violative of Article 300-A of the Constitution of India.

Counsel for the Petitioner: MR.S.V.BHATT

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following ORDER:

It is well settled principle that no *mandamus* can be issued in anticipation that the respondent will not follow due procedure and lay rasta over the land, which belongs to the petitioner. However, it is observed that as and when laying of the road through the petitioner's land is imminent and it will have the effect of depriving the petitioner of his property, the respondents will have to follow the due procedure contemplated under the law, and without following the same no citizen can be deprived of his property.

The writ petition is accordingly dismissed. No costs.

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A.Gopal Reddy, J

Date: 01.09.2004

va/ghn

To

1 The District Collector, Kadapa
2 The Mandal Revenue Officer, Pullampet Mandal, Kadapa District
3 The Asst.Engineer, Panchayatraj Department,
Railway Kodur, Kadapa District

4 Two CCs to G.P. for Revenue, High Court of A.P. Buildings, Hyderabad(OUT)

5 Two CD Copies